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July 16, 2008

Hon. Miriam Goldman Cedarbaum  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1330  
New York, N.Y. 10007

**Re: United States v. Jason Neal**  
**No: 08-CR-86 (MGC)(S-1)**

Dear Judge Cedarbaum:

On July 14, 2008, an application was submitted seeking to suppress evidence obtained as a result of an unlawful search and seizure. On July 15, 2008, the Government filed papers in opposition to said motion based upon the failure to submit an affidavit from an individual with personal knowledge on the issue of consent.

Attached hereto and made a part of said application, please find an affidavit made by the defendant, affirmed to under the penalty of perjury on this date, concerning the issue of consent with respect to the search conducted at the premises located at 1540 Pelham Parkway, Apartment 6-J, Bronx, New York.

Very truly yours,



PAUL S. BRENNER

PSB/rp  
(w/encls.)  
file/

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

Plaintiffs, AFFIRMATION

-against-

No. 08-0086 (MGC)

JASON C. NEAL,

Defendant.

-----X

JASON NEAL, affirms the following under the penalty of perjury as promulgated by 28 U.S.C. §1746 and respectfully sets forth:

1) That I am the defendant in the above entitled cause of action.

2) That I submit this affidavit in support of a motion, dated July 14, 2008, which seeks to suppress evidence obtained as a result of an unlawful search and seizure.

3) As set forth in paragraph numbered "10" of my attorney's affirmation in support of said motion, at no time did I give consent, either verbally or written, to law enforcement agents to conduct a search of the premises located at 1540 Pelham Parkway, Apartment 6-J, Bronx, New York.

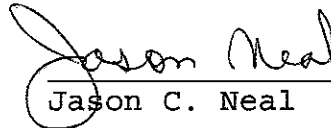
4) That I resided at said residence and enjoyed a reasonable expectation of privacy within,

5) That contrary to the assertions by the Government, law enforcement agents entered into said premises without my consent.

6) In fact, when requested to obtain consent, I unequivocally stated that I objected to any search of the premises.

7) I was given a form to provide consent in which I refused to sign.

8) Law enforcement agents, despite my denials of any consent to search, entered into the premises and conducted a search therein.

  
\_\_\_\_\_  
Jason C. Neal

Affirmed under the penalty of perjury on this 16<sup>th</sup> day of July, 2008.